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Committee on Transportation
Connecticut General Assembly
February 17, 2010

Testimony Regarding Proposed Bill No. 6126 -
An Act Authorizing Bicyclists to Cross the Housatonic Railroad at Grade in New Milford.

Housatonic Railroad, pursuant to an agreement with Connecticut DOT, operates the railroad line through the Town of New Milford at the location referred to in Proposed Bill 6162.

C.G.S. section 13b-268(b) prohibits the construction of any new public crossing unless authorized by the General Assembly. The proposed crossing is for a bicycle/pedestrian crossing to access Sega Meadows Park on the banks of the Housatonic River. The Town proposes to exclude motorized vehicles. There is no other safe way that bicycle and pedestrian users of the park can access the park except by crossing the railroad. Housatonic Railroad understands and appreciates the desire of the Town of New Milford to expedite the approval process and has no objection to that process provided that the legislation expressly addresses the following matters.

1. That the crossing authorization excludes motorized vehicles.
2. That the new crossing will be constructed and maintained at the sole expense of the Town of New Milford.
3. That the crossing use and Housatonic Railroad are subject to the protections in the Recreational Land Use Act set forth in sections 52-557f to 52-557i, inclusive, of the general statutes.

Housatonic Railroad understands that these provisions are consistent with the intentions of the Town of New Milford and that the town has no objection to them.

Proposed new language for Proposed Bill 6162 is attached. If the substance of that language is adopted, Housatonic Railroad supports the bill. Without clarification of the cost and recreational use issues, Housatonic Railroad must oppose the bill until such time as the Commissioner of Transportation conducts an investigation and issues its report.

Submitted by: Edward J. Rodriguez, Executive Vice President and General Counsel, Housatonic Railroad Company, Inc.

Proposed revision to Proposed Bill 6126

AN ACT AUTHORIZING BICYCLISTS TO CROSS THE HOUSATONIC
RAILROAD AT GRADE IN NEW MILFORD

Be it enacted by the Senate and House of Representatives in General Assembly
convened:

That, as required by C.G.S. section 13b-268(b), a new railroad crossing for bicycles and pedestrians, but not motorized vehicles, be authorized to cross the Housatonic Railroad at grade to access Sega Meadows Park in New Milford. That the cost of construction, installation and maintenance of said crossing shall be borne by the Town of New Milford and that users of such crossing shall be considered to be engaged in a "Recreational Purpose" and the Housatonic Railroad and its successors shall be deemed to be an "Owner" of the railroad line, both for purposes of sections 52-557f to 52-557i, inclusive, of the general statutes.

Submitted for consideration by Housatonic Railroad Company, Inc.
February 17, 2011